

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Denise Anderson,

NO. C 11-03865 JW

Plaintiff,

SCHEDULING ORDER

v.

Lawrence Livermore Nat'l Sec. Health and
Welfare Benefit Plan for Emps., et al.,

Defendants.

This case is scheduled for a Case Management Conference on February 6, 2012. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement and Proposed Order. (See Docket Item No. 19.)

In their Joint Statement, the parties propose a discovery deadline but do not request any specific discovery. Because this is an appeal of a denial of ERISA benefits, the Court need only evaluate the administrative record. Limited discovery is available in certain circumstances.¹ However, the parties have failed to provide the Court with sufficient information in their Joint Statement to determine whether discovery is necessary. Accordingly, the Court declines to set a discovery schedule at this time. Should either party wish to conduct discovery, the party must move the Court for leave to do so and must specifically identify the discovery sought.

¹ See Employee Retirement Income Security Act of 1974, 29 U.S.C §§ 1001 *et seq.*

The parties also propose a schedule for a bench trial. The Court finds that the setting of a bench trial would be premature without first setting a schedule for cross-motions for summary judgment. Thus, the Court declines to schedule a trial at this time.

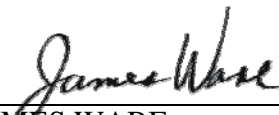
Based on the nature of the case and the dates provided in the parties' Joint Statement, the Court finds that a schedule can be set for this case without the necessity of an appearance at this time. Accordingly, the Case Management Conference is VACATED and the parties are ordered to comply with the following schedule:

CASE SCHEDULE

Deadline for Filing Administrative Record	March 19, 2012
Last Day for Hearing Motions to Augment the Record	June 11, 2012
Hearing on Anticipated Cross-Motions for Summary Judgment	September 24, 2012 at 9 a.m.

None of the dates set in this Order may be changed without an order of the Court made after a motion is filed pursuant to the Civil Local Rules of Court. All motions shall be briefed in accordance with the Civil Local Rules.

Dated: February 1, 2012


 JAMES WARE
 United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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8 **Dated: February 1, 2012**

Richard W. Wieking, Clerk

9 **By: /s/ JW Chambers**
10 **Susan Imbriani**
11 **Courtroom Deputy**

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United States District Court
For the Northern District of California